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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	Case No.: CR-17-00134 HSG
)	
Plaintiff,)	STIPULATION REGARDING
)	REQUEST FOR FINDINGS OF
vs.)	EXCLUDABLE TIME PERIOD
)	PURSUANT TO SPEEDY TRIAL ACT
)	AND ORDER
BENFORD CHAVIS,)	
)	
Defendant.)	
)	
)	
)	

Defendant Benford Chavis by and through his counsel of record, Ismail J. Ramsey and Plaintiff United States of America, by and through its counsel of record, the Acting United States Attorney for the Northern District of California and Assistant United States Attorneys Garth Hire and Katherine M. Lloyd-Lovett, hereby stipulate as follows:

STIPULATION TO EXCLUDE TIME AND ORDER
UNITED STATES V. BENFORD CHAVIS; CR 17-00134 HSG

1 1. The parties hereby stipulate and agree that the time between September 24,
2 2018, and December 3, 2018, should be excluded for effective preparation of counsel and
3 due to the complexity of the case under the Speedy Trial Act.

4 2. As described at the status conference held on September 24, 2018, the
5 government has produced voluminous discovery to the defense. The defense is engaged
6 in reviewing that discovery and requires additional time to review and analyze the
7 discovery, meet with defendant, and discuss the case with defendant. The parties believe
8 that a continuance will allow for the continued provision and review of discovery and for
9 the parties to discuss potential resolution of the case.

10 3. Counsel for defendant also represents that failure to grant the continuance
11 would deny reasonable time necessary for effective preparation, taking into account the
12 exercise of due diligence. Counsel for defendant agrees that the requested exclusion of
13 time is not based on congestion of the Court's calendar, lack of diligent preparation on
14 the part of the attorney for the government or the defense, or failure on the part of the
15 attorney for the government to obtain available witnesses. Thus, the time period from
16 September 24, 2018, through December 3, 2018, is excludable pursuant to 18 U.S.C. §§
17 3161(h)(7)(A) and (h)(7)(B)(ii) and (iv).

18 4. The parties further stipulate and agree that the ends of justice served by
19 excluding the time from September 24, 2018, through December 3, 2014, from
20 computation under the Speedy Trial Act outweigh the best interests of the public and the
21 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(ii), (iv).

22 5. Counsel for defendant represents that he has fully informed his client of his
23 Speedy Trial rights and that, to his knowledge, his client understands those rights and
24 agrees to waive them. Defense counsel further believes that his client's decision to give
25 up the right to be brought to trial earlier than if time were not excluded from the Speedy
26 Trial Act is an informed and voluntary one.

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1 6. Nothing in this stipulation shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods be excluded from the period within
3 which trial must commence. Moreover, the same provisions and/or other provisions of
4 the Speedy Trial Act may in the future authorize the exclusion of additional time periods
5 from the period within which trial must commence.

6 7. The parties further note that at the status conference held on September 24,
7 2018, defense counsel made an oral motion to waive the defendant's appearance at that
8 hearing and that the Court granted that motion.

9
10 SO STIPULATED

11
12 DATED: ALEX G.TSE
Acting United State Attorney

13 _____
14 /s/
15 Garth Hire
Katherine M. Lloyd-Lovett
Assistant United States Attorneys

16 DATED: _____
17 /s/
18 Ismail Ramsey
Katharine Kates
19 RAMSEY & EHRLICH LLP
Attorneys for Benford Chavis

20 DATED: _____
21 Defendant Benford Chavis

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1 **ORDER**

2 The Court affirms its Order made on the oral motion of defense counsel to waive
3 appearance of defendant at the hearing on September 24, 2018.

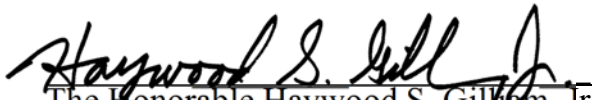
4 The Court has read and considered the Stipulation Findings of Excludable Time
5 Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby
6 finds that the Stipulation, which this Court incorporates by reference into this Order,
7 demonstrates facts that provide good cause for a finding of excludable time pursuant to
8 the Speedy Trial Act, 18 U.S.C. § 3161. The Court further finds that failure to grant the
9 continuance would deny defense and government counsel the reasonable time necessary
10 for effective preparation, taking into account the exercise of due diligence.

11 **THEREFORE, FOR GOOD CAUSE SHOWN:**

12 The time period of September 24, 2018, to December 3, 2018, inclusive, is
13 excluded in computing the time within which the trial must commence, pursuant to 18
14 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(ii) and (iv). Nothing in this Order shall preclude a
15 finding that other provisions of the Speedy Trial Act dictate that additional time periods
16 are excluded from the period within which trial must commence. Moreover, the same
17 provisions and/or other provisions of the Speedy Trial Act may in the future authorize the
18 exclusion of additional time periods from the period within which trial must commence.

19
20 **SO ORDERED**

21
22 **DATED:** October 11, 2018

23 
24 The Honorable Haywood S. Gilliam, Jr.
25 United States District Judge
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